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By ECF

October 7, 2019.

Hon. Vernon S. Broderick  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: USA v. Richard Hart - 17 Cr 248

Dear Judge Broderick:

I was CJA counsel for Mr. Hart, who was sentenced before Your Honor on July 17, 2019. He received a below-guideline sentence of 1 year and 1 day. He was permitted to surrender voluntarily on October 11, 2019. I am informed that he has been designated to MDC, Brooklyn. I am writing to ask Your Honor to amend the sentence to recommend a minimum-security facility. I understand that such a recommendation would not be binding on the BOP.

As Your Honor will recall, the underlying case involved fraudulent billing for credit care processing services. The co-defendant, Michael Mendlowitz, was convicted after trial. Mr. Hart was permitted to plea to a lesser charge, with a 60 month cap. It was Mr. Hart's only involvement with the law, in what otherwise had been a hardworking and family oriented life. Given his lack of a record, the absence of any violence, and the nature of the underlying crime, I believe we all anticipated that he would be designated to a suitable minimum-security facility. I do not believe the MDC is an appropriate place for him to serve his sentence.

I am requesting, therefore, that Your Honor amend the sentence to include a recommendation that he be designated to a minimum-security facility.

Respectfully,

Eric M. Sears

Counsel is directed to contact the Bureau of Prison's Designation Unit to inquire on a transfer for the defendant. I am unable, under the circumstances presented here, to direct the Bureau of Prison's to designate a defendant to a specific facility. It is my understanding that the Bureau of Prison's has a protocol they follow when determining a defendants designation.

SO ORDERED:

*Vernon S. Broderick*

HON. VERNON S. BRODERICK 10/24/2019  
UNITED STATES DISTRICT JUDGE

cc. AUSAs – via ECF